

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VIRIDIS LABORATORIES, LLC,
a Michigan limited liability company, and
VIRIDIS NORTH, LLC,
a Michigan limited liability company,

Plaintiffs,

v

JULIE KLUYTMAN, an individual,
DESMOND MITCHELL, an individual,
ALLYSON CHIRIO, an individual, and
CLAIRE PATTERSON, an individual,

Defendants.

No. 1:22-cv-283

HON. PAUL MALONEY

MAG. JUDGE PHILLIP J. GREEN

ORAL ARGUMENT REQUESTED

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DEFENDANTS' MOTION TO DISMISS

ORAL ARGUMENT REQUESTED

Defendants Julie Kluytman, Desmond Mitchell, Allyson Chirio, and Claire Patterson, by counsel, move this Court to dismiss Plaintiffs complaint under Federal Rule of Civil Procedure 12(b)(6), and for that motion state:

1. On February 18, 2022, Plaintiffs Viridis Laboratories, LLC and Viridis North, LLC filed a complaint alleging that the Defendants, Michigan Marijuana Regulatory Agency (MRA) employees, violated their due process and equal protection rights under the United States Constitution. (PageID.6-46.)

2. Plaintiffs' claims should be dismissed pursuant to res judicata and collateral estoppel because the claims and pertinent issues were previously decided by the Michigan Court of Claims.

3. Thus, Plaintiffs fail to state a claim upon which relief can be granted and this Court should dismiss Plaintiffs' complaint under Federal Rule of Civil Procedure 12(b)(6).

4. In accordance with W.D. Mich. LCivR 7.1(d), counsel for Defendants sought Plaintiffs' concurrence in the relief requested via email on March 31, 2022. Plaintiffs failed to concur in the relief requested. Thus, Defendants ascertain that Plaintiffs will oppose the motion.

WHEREFORE, for the reasons stated above and discussed more fully in the accompanying brief, Defendants respectfully request that this Honorable Court grant this motion and dismiss Plaintiff's complaint in its entirety under Rule 12(b)(6).

Respectfully submitted,

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Dated: April 1, 2022

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2022, I electronically filed the above document with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

s/ Erika N. Marzorati
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